

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Appellant (s): Steven F. Knittel et al.
Case: Knittel 6-6-1 (LCNT/126021)
Serial No.: 10/780,833 **Group Art Unit:** 2143
Filed: 02/18/2004 **Confirmation #:** 3728
Examiner: Belani, Kishin G
Title: METHOD AND APPARATUS FOR IMPROVING WIRELESS
DATA NETWORKS PERFORMANCE

**MAIL STOP APPEAL BRIEF-PATENTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

SIR:

APPEAL BRIEF

Appellants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2143 mailed January 30, 2008 finally rejecting claims 1-4 and 6-27.

In the event that an extension of time is required for this appeal brief to be considered timely, and a request therefor does not otherwise accompany this appeal brief, any necessary extension of time is hereby requested.

Appellants believe the only fee due is the \$510 Appeal Brief fee which is being charged to counsel's credit card. In the event Appellants are incorrect, the Commissioner is authorized to charge any other fees to Deposit Account No. 20-0782/LCNT/126021.

Table of Contents

| | | |
|-----|---|----|
| 1. | Identification Page..... | 1 |
| 2. | Table of Contents | 2 |
| 3. | Real Party in Interest | 3 |
| 4. | Related Appeals and Interferences | 4 |
| 5. | Status of Claims | 5 |
| 6. | Status of Amendments | 6 |
| 7. | Summary of Claimed Subject Matter | 7 |
| 8. | Grounds of Rejection to be Reviewed on Appeal | 10 |
| 9. | Arguments | 11 |
| 10. | Conclusion | 20 |
| 11. | Claims Appendix | 21 |
| 12. | Evidence Appendix | 25 |
| 13. | Related Proceedings Appendix | 26 |

Real Party in Interest

The real party in interest is LUCENT TECHNOLOGIES INC.

Related Appeals and Interferences

Appellants assert that no appeals or interferences are known to Appellants, Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-4 and 6-27 are pending in the application. Claims 1-27 were originally presented in the application. Claim 5 has been cancelled. Claims 1, 7-8, 12-13, 18 and 20 have been amended. The final rejection of claims 1-4 and 6-27 is appealed.

Status of Amendments

All claim amendments have been entered.

Summary of Claimed Subject Matter

Embodiments of the present invention are generally directed to reducing the required number of supplementary channel (SCH) assignments in wireless data networks. In one embodiment, the invention includes a communication network apparatus having a gateway for receiving a request for a resource having embedded data. In response to that request, the gateway obtains the resource and the embedded data, and then bundles the resource and the embedded data into a file. That file can then be sent to a user. The gateway obtains the resource and the embedded data using a resource index file that includes information regarding the resource and the embedded data. This enables improved response times of wireless data networks to requests for resources (e.g., webpage requests).

For the convenience of the Board of Patent Appeals and Interferences, Appellants' independent claims 1, 12, 16 and 20 are presented below with citations to various figures and appropriate citations to at least one portion of the specification for elements of the appealed claims.

Claim 1

Claim 1 positively recites (with reference numerals, where applicable, and cites to at least one portion of the specification added):

1. (previously presented) An apparatus (202) for use in a communication network (200), comprising:
 - a gateway (202) operable within said network for receiving a request for a resource having embedded data (304) and, in response to said request, for obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data (324), for bundling said resource and said embedded data into a file (326, 328), and for sending said file (330).

Support for the elements of claim 1 can be found at least from the following sections of Appellants' specification: Paragraphs 0072, 0073, 0074 – 0077, 0081, and 0084-0085.

Claim 12

Claim 12 positively recites (with reference numerals, where applicable, and cites to at least one portion of the specification added):

12. (previously presented) An apparatus (202) for use in a communication network (200), comprising:

a gateway (202) for receiving a request for a resource having embedded data (304) and, in response to said request, for obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data (324), for bundling said resource and said embedded data into a response file (326, 328), and for updating said resource index file (334).

Support for the elements of claim 12 can be found at least from the following sections of Appellants' specification: Paragraphs 0072, 0073, 0074 – 0077, 0081, and 0084-0085.

Claim 16

Claim 16 positively recites (with reference numerals, where applicable, and cites to at least one portion of the specification added):

16. (original) A method of operating a gateway (202), comprising:
receiving (304) a request for a resource having embedded data;
obtaining (324) information regarding the resource and embedded data from a resource index file;
obtaining (326) the resource and embedded data using the obtained information;

bundling (328) the obtained resource and obtained embedded data
into a response file; and
sending (330) the response file.

Support for the elements of claim 16 can be found at least from the following
sections of Appellants' specification: 0072, 0073, 0074 – 0077, 0081, and 0084-0085.

Claim 20

Claim 20 positively recites (with reference numerals, where applicable, and cites
to at least one portion of the specification added):

20. (previously presented) A method, comprising:
transmitting (304) a client request over a wireless network (210)
for a resource having embedded data;
receiving (304) the request;
obtaining (324) the resource and its embedded data using a
resource index file having information regarding the resource and its
embedded data;
bundling (328) the obtained resource and obtained embedded data
into a file; and
sending (330) that file to the client over the wireless network.

Support for the elements of claim 20 can be found at least from the following
sections of Appellants' specification: 0072, 0073, 0074 – 0077, 0081, and 0084-0085.

Grounds of Rejection to be Reviewed on Appeal

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz (U.S. Patent Application Publication No. 2002/0065800 A1, hereinafter “Morlitz”) in view of Pepper et al. (U.S. Patent No. 7,206,777 B2, hereinafter Pepper).

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman et al. (U.S. Patent No. 7,231,357 B1, hereinafter “Shanman”).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow et al. (U.S. Patent No. 7,216,154 B1, hereinafter Chow”).

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow.

Arguments

Rejection Under 35 U.S.C. 103

Claims 1, 2, 6-9, 11-16, 18 and 19

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness because the combination of Morlitz and Pepper fails to teach or suggest all the claim elements.

In general, Morlitz discloses a method for providing resources from a Web server to a client computer in which the Web server provides an archive file to a client computer to enable the client computer browse webpages while offline. (Morlitz, Para. 0035 – 0036).

However, as admitted by the Examiner in the Final Office Action, dated January 30, 2008 (see Page 5), Morlitz fails to teach or suggest at least the limitation of “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

Rather, Morlitz merely discloses that the Web server determines all graphics, audio clips, and other resources needed for a requested Web page, compresses the resources, and creates an archive file containing the compressed resources. Further, Morlitz discloses meta data including information included in a file that is sent from a web server to a client for use by the client to enhance offline search capabilities.

Morlitz is devoid of any teaching or suggestion of using a resource index file having information regarding a resource and embedded data in order to obtain the resource and embedded data, as claimed in Appellants’ claim 1. As such, Morlitz fails to teach or suggest Appellants’ claim 1, as a whole.

Furthermore, Pepper fails to bridge the substantial gap between Morlitz and Appellants’ claim 1.

Pepper, alone or in combination with Morlitz, fails to teach or suggest at least the limitation of “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

Rather, while Pepper discloses use of an index file, Pepper merely discloses that the index file is used for reducing duplicative storage of resources at an archive server. In Pepper, the index file is not used to obtain resources or embedded data. Rather, as discussed in Pepper, resources for XML documents are obtained by parsing the XML document itself, not by using the index file.

Specifically, Pepper states that “[t]he XML indexer 305 is configured to parse (step S3) the retrieved XML document 110 based on the individual XML tags...contained within the retrieved XML document 110, and to identify the resources associated with the XML tags (e.g., the resources 165 (style sheet), 170 (logo), and 175 (image), illustrated in FIG. 1).” (Pepper, Col. 8, Lines 53 – 58, Emphasis added). In other words, Pepper teaches identification of the resources of an XML document by parsing the XML tags of that XML document. Pepper does not teach or suggest use of the index file of Pepper to obtain the resources of the XML document. Thus, since Pepper does not teach or suggest that the index file of Pepper is used to obtain the resources of the XML document, Pepper fails to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

Similarly, Pepper states that “[t]he XML indexer 305 parses (step S3) the XML invoice 110 to identify the resources referenced by the XML invoice 110.” (Pepper, Col. 9, Lines 18 – 20, Emphasis added). In other words, Pepper teaches identification of the resources of an XML document by parsing the XML document (in this example, XML invoice 110). Again, Pepper fails to teach or suggest use of the index file of Pepper to obtain the resource of the XML document. Thus, Pepper fails to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

In the Final Office Action, dated January 30, 2008, the Examiner cites specific portions of Pepper (namely, Col. 2, Lines 34 – 46; Col. 6, Line 31 – Col. 7, Line 7), asserting that the cited portions of Pepper disclose using a resource index file having information regarding a resource and embedded data for obtaining the resource and the embedded data. Appellants respectfully disagree.

The first portion of Pepper cited by the Examiner states:

“One problem faced when trying to archive XML is that XML often references multiple resources (a resource may be an image, an audio file, a style sheet, a data type definition document, a data file, etc.) and hence, unlike conventional data which is “flat” in its structure, an XML document has a hierarchical structure. Therefore, in order to fully archive and retrieve the XML document and retain the fidelity of the data, each of the resources which are referenced within the XML document must either be archived or made available for an indefinite amount of time on a web server. If the aforementioned does not occur the XML document will not be displayed correctly because the XML document will be incomplete.” (Pepper, Col. 2, Lines 34 – 46).

In other words, the first portion of Pepper cited by the Examiner merely states that each resource referenced within an XML document must be archived or made available for an indefinite amount of time in order to fully archive and retrieve the XML document. The first portion of Pepper cited by the Examiner is devoid of any teaching or suggestion of anything having to do with the index file of Pepper, much less using the index file of Pepper to obtain the resources of an XML document. Rather, the cited portion of Pepper merely includes a general statement indicating that, in order for an XML document to be archived, the associated resources of the XML document must be archived. A general statement that resources of an XML document must be archived in order to properly archive the XML document, as disclosed in Pepper, does not teach or suggest obtaining a resource and embedded data using a resource index file having information regarding the resource and the embedded data, as claimed in Appellants’ claim 1.

The second portion of Pepper cited by the Examiner states:

“A flow diagram 200 detailing the operational steps of the archiving process of an XML document 110 in accordance with the present invention is illustrated in FIG. 2. In step S1, an XML document 110 is received by the server 100. In step S2, the XML document 110 is stored in the storage device 115. The XML document 110 is also provided to the XML indexer 150, which extracts references to the external resources in

the XML document 110 (step S3). In step S4, the XML indexer 150 performs a query to determine whether any of the extracted resources have previously been stored in the storage device 115. In particular, after the references to the resources have been extracted from the XML document 110 by the XML indexer 150, the XML indexer 150 examines the index file 155 to determine whether a reference to any of the extracted resources has previously been appended to the index file 155, indicating that that resource has already been stored in the storage device 115. If a reference to an extracted resource is not found in the index file 155, a reference to the resource is added to the index file 155 (step S5) and the resource is stored (step S6) in the storage device 115 by the second load process 160. If a reference to an extracted resource is found in the index file 155, the resource is not stored a second time in the storage device 115. This process is repeated for each extracted resource in the XML document 110.

One feature of this process is that the XML indexer 150 determines, before storage of a resource (e.g., an image, logo, style sheet, and/or data type definition document, etc.) in the storage device 115, that the resource has not already been stored in the storage device 115. If a resource is already referenced in the index file 155, indicating that the resource has already been stored in the storage device 115, the resource is not stored again in the storage device 115. If, on the other hand, a resource is not yet referenced in the index file 155, indicating that the resource has not yet been stored in the storage device 115, a reference to the resource is added to the index file 155 and the resource is stored in the storage device 115 by the second load process 160. This process accelerates the storage process by preventing duplicative storage of the same resource, and also dramatically saves on storage space as each resource is only stored once in the storage device 115. This can be further explained by reference to EXAMPLE 3 below.”

(Pepper, Col. 6, Line 31 – Col. 7, Line 7, Emphasis added).

In other words, the second portion of Pepper cited by the Examiner merely describes an archiving process by which an XML document and associated resources of the XML document are archived in an archive server. Specifically, the index file is examined in order to determine whether a reference to a resource has previously been included in the index file, which would indicate that the resource has already been stored in the storage device and, thus, should not be stored again. Thus, Pepper merely describes how the index file is used to prevent resources common to multiple XML documents from being stored in the archive server multiple times. The use of an index file as a checklist for determining whether a resource of an XML document is already archived on an archive server in order to prevent the resource from being archived again,

as disclosed in Pepper, is not use of the index file to obtain the XML document or its associated resources. The cited portion of Pepper is devoid of any teaching or suggestion of subsequent use of the index file, much less use of the index file to obtain the XML document and the resources of the XML document. Thus, the cited portion of Pepper fails to teach or suggest obtaining a resource and embedded data using a resource index file having information regarding the resource and the embedded data, as claimed in Appellants' claim 1.

Furthermore, in the Advisory Action the Examiner maintains the rejection, relying on the same portions of Pepper cited by the Examiner in the Final Office Action. Specifically, the Examiner states that "Fig. 1 in the Pepper et al. reference shows an XML indexer 150 and an index file 155 that contains the location information for the embedded resources 165, 170, and 175 of a web page 132. The XML indexer obtains the information about the web page resource and the data embedded in it by searching the index file, and based on the search results, gets the web page resource and any embedded data for archiving to storage 115. Furthermore, the Index 155 includes the location information about the archived resource and all its embedded data, when the resource with its embedded data is archived, thereby disclosing the claimed element 'obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data.'" (Advisory Action, Pg. 2).

As support for this description of what Pepper is alleged to teach, the Examiner relies on the portions of Pepper relied upon by the Examiner in the Final Office Action. Appellants respectfully note that, at least for the reasons described hereinabove, the portions of Pepper relied upon in support of the Examiner's statement do not support the Examiner's statement. Rather, the cited portion of Pepper merely states that the XML indexer extracts references to the resources from the XML document and then uses the index file as a checklist in order to determine whether or not to archive the extracted resources. Pepper fails to teach or suggest obtaining a resource and embedded data using a resource index file having information regarding the resource and the embedded data, as claimed in Appellants' claim 1.

Thus, at least for the reasons cited hereinabove, Morlitz and Pepper each fail to teach or suggest "obtaining said resource and said embedded data using a resource index

file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1. Therefore, any permissible combination of Morlitz and Pepper (assuming such combination is even possible) must also fail to teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

Furthermore, Appellants respectfully note that a system according to the combination of Morlitz and Pepper (assuming such combination is even possible) would merely disclose a system in which an archive file is sent from a web server to a client for use by the client to enhance offline search capabilities and an index file is used as a checklist for determining whether a resource of an XML document is already archived on an archive server in order to prevent the resource from being archived again where multiple XML documents share the same resource. A system according to the combination of Morlitz and Pepper does not teach or suggest “obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data,” as claimed in Appellants’ claim 1.

As such, the combination of Morlitz and Pepper fails to teach or suggest all the claim elements of Appellants’ claim 1. Thus, Morlitz and Pepper fail to teach or suggest Appellants’ claim 1, as a whole.

As such, independent claim 1 is patentable over Morlitz and Pepper under 35 U.S.C. 103. Similarly, independent claims 12 and 16 recite relevant limitations similar to those recited in independent claim 1. As such, for at least the same reasons discussed above, independent claims 12 and 16 also are patentable over Morlitz and Pepper under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Morlitz and Pepper under 35 U.S.C. 103.

As such, Appellants’ claims 1, 2, 6-9, 11-16, 18 and 19 are patentable over Morlitz in view of Pepper under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 3, 4, 17, 20-23, 25 and 27

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman. The rejection is traversed.

Claims 3, 4, 17

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Shanman supplies that which is missing from Morlitz and Pepper to render independent claims 1 and 16 obvious, these grounds of rejection cannot be maintained.

As such, Appellants' claims 3, 4 and 17 are patentable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 20-23, 25 and 27

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Morlitz, Pepper and Shanman fails to teach or suggest all the claim elements.

Independent claim 20 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the reasons discussed above, Morlitz and Pepper fail to teach or suggest Appellants' claim 20, as a whole. Specifically, Morlitz and Pepper fail to teach or suggest at least the limitation of "obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data," as claimed in Appellants' claim 20.

Furthermore, Shanman fails to bridge the substantial gap between Morlitz and Pepper and Appellants' invention of independent claim 20. Specifically, Shanman also fails to teach or suggest at least the limitation of "obtaining the resource and its

embedded data using a resource index file having information regarding the resource and its embedded data,” as claimed in Appellants’ claim 20.

Rather, Shanman merely discloses a system for targeted distribution of coupons over a network. As disclosed in Shanman, in order to distribute coupons to a consumer computer, a link is established between a consumer and a coupon server, and a series of transactions between the consumer and coupon server facilitate distribution of coupons to the consumer. (Shanman, Abstract).

Shanman, however, is devoid of any teaching or suggestion of a resource index file having information regarding a resource and embedded data for use in obtaining the resource and the embedded data, as claimed in Appellants’ claim 1. Thus, like Morlitz and Pepper, Shanman fails to teach or suggest all claim elements of Appellants’ claim 1.

Thus, since Morlitz, Pepper and Shanman each fail to teach or suggest the limitation of “obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data,” any permissible combination of Morlitz, Pepper and Shanman (assuming such combination is even possible) also fails to teach or suggest “obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data,” as claimed in Appellants’ claim 20. As such, Morlitz, Pepper, and Shanman, alone or in combination, fail to teach or suggest Appellants’ claim 20, as a whole.

As such, independent claim 20 is not obvious over Morlitz in view of Pepper and further in view of Shanman and is patentable under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claim include all the limitations of the independent claim from which they ultimately depend, each such dependent claim is also allowable over the combination of Morlitz, Pepper and Shanman.

As such, Appellants’ claims 20-23 are allowable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claim 10

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chow supplies that which is missing from Morlitz and Pepper to render the independent claim 1 obvious, this ground of rejection cannot be maintained.

As such, Appellants' claim 10 is allowable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 24 and 26

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow. The rejection is traversed.

Claims 24 and 26 depend from independent claim 20.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection of claim 20 under 35 U.S.C. 103 given Morlitz in view of Pepper and further in view of Shanman. Since the rejection of claim 20 under 35 U.S.C. 103 given Morlitz in view of Pepper and further in view of Shanman has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chow supplies that which is missing from the combination of Morlitz, Pepper and Shanman to render independent claim 20 obvious, this ground of rejection cannot be maintained.

As such, Appellants' claims 24 and 26 are allowable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Conclusion

Thus, Appellants submit that all of the claims presently in the application are allowable under the provisions of 35 U.S.C. §103.

For the reasons advanced above, Appellants respectfully urge that the rejection of claims 1-4 and 6-27 is improper. Reversal of the rejections of the Final Office Action is respectfully requested.

Respectfully submitted,

Dated: _____

6/19/08

E. Wall

Eamon J. Wall
Registration No. 39,414
Patterson & Sheridan, L.L.P.
595 Shrewsbury Ave. Suite 100
Shrewsbury, NJ 07702
Telephone: (732) 530-9404
Facsimile: (732) 530-9808
Attorney for Appellant

CLAIMS APPENDIX

1. (previously presented) An apparatus for use in a communication network, comprising:

a gateway operable within said network for receiving a request for a resource having embedded data and, in response to said request, for obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data, for bundling said resource and said embedded data into a file, and for sending said file.

2. (original) The apparatus of claim 1, wherein the request is a uniform resource identifier.

3. (original) The apparatus of claim 2, wherein the request is received from a wireless access network.

4. (original) The apparatus of claim 3, wherein the request is from a client device.

5. (cancelled)

6. (previously presented) The apparatus of claim 1, wherein the gateway updates a request index file based on said obtained resource and on said embedded data.

7. (previously presented) The apparatus of claim 1, wherein the resource index file includes information for obtaining the resource and its embedded data.

8. (previously presented) The apparatus of claim 1, wherein the resource index files include links to embedded data.

9. (original) The apparatus of claim 8, wherein the gateway produces a listing of the links to the embedded data, sends uniform resource location requests for the embedded data, and receives the embedded data from the links.
10. (original) The apparatus of claim 9, wherein the link listing is in order of the pre-determined time required to obtain the embedded data.
11. (original) The apparatus of claim 1, wherein said gateway performs data acceleration, compression, trans-coding, or application-based optimization on said resource and said embedded data.
12. (previously presented) An apparatus for use in a communication network, comprising:
a gateway for receiving a request for a resource having embedded data and, in response to said request, for obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data, for bundling said resource and said embedded data into a response file, and for updating said resource index file.
13. (previously presented) The apparatus of claim 12, wherein said resource index file includes information for obtaining said resource and said embedded data.
14. (original) The apparatus of claim 12, wherein said resource index file includes links to said embedded data.
15. (original) The apparatus of claim 14, wherein said gateway produces a listing of said links to said embedded data, sends uniform resource location requests for said embedded data, and receives said embedded data from said links.
16. (original) A method of operating a gateway, comprising:
receiving a request for a resource having embedded data;

obtaining information regarding the resource and embedded data from a resource index file;

obtaining the resource and embedded data using the obtained information;

bundling the obtained resource and obtained embedded data into a response file;

and

sending the response file.

17. (original) The method of claim 16, wherein the request is received and the response file is sent over a wireless access network.

18. (previously presented) The method of claim 16, wherein the resource index file comprises a pre-compiled resource index file.

19. (original) The method of claim 16, wherein the resource index file includes links to the embedded data.

20. (previously presented) A method, comprising:

transmitting a client request over a wireless network for a resource having embedded data;

receiving the request;

obtaining the resource and its embedded data using a resource index file having information regarding the resource and its embedded data;

bundling the obtained resource and obtained embedded data into a file; and

sending that file to the client over the wireless network.

21. (original) The method of claim 20, wherein the resource is an internet resource.

22. (original) The method of claim 20, wherein the information includes links to the embedded data.

23. (original) The method of claim 22, further including the steps of forming a list of addresses for the embedded data, sending requests for the embedded data, and receiving the embedded data from the requests.
24. (original) The method of claim 23, wherein the step of forming a list of addresses includes ordering those addresses based on pre-determined times required to obtain the embedded data.
25. (previously presented) The method of claim 20, wherein obtaining the resource and the embedded data includes forming the resource index file.
26. (original) The method of claim 25, wherein the formed resource index file includes a listing of the embedded files and the times required to obtain each of the embedded files.
27. (original) The method of claim 20, further including the step of updating the resource index file.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None